

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

JEFFREY HESSLER,

Petitioner,

v.

SCOTT FRAKES, Director,  
Nebraska Department of Correctional  
Institutions,

Respondent.

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Case No. 8:14-cv-0357-DGK

**ORDER**

Respondent previously notified the Court that on October 28, 2016, the Nebraska Supreme Court affirmed the denial of postconviction relief in *State v. Hessler*, a previous conviction used as an aggravator factor in Defendant's death penalty case. Respondent also noted that the Nebraska Supreme Court had not yet issued its mandate. It is unclear to the Court whether the mandate has since issued.

The Court ORDERS both parties to file a status report regarding: (1) the status of Petitioner's state-court appeal; and (2) whether there is presently any reason not to lift the stay in this case. The parties shall file their status reports on or before January 4, 2017. The parties may file a joint status report.

**IT IS SO ORDERED.**

Date: December 29, 2016

/s/ Greg Kays

GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT